



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/687,483

10/17/2003

Takeyoshi Suzuki

031075

7943

38834 7590 12/26/2007  
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP  
1250 CONNECTICUT AVENUE, NW  
SUITE 700  
WASHINGTON, DC 20036

EXAMINER

MUI, GARY

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

12/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/687,483	<b>Applicant(s)</b> SUZUKI ET AL.	
	<b>Examiner</b> Gary Mui	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Response to Arguments*

1. Applicant's arguments with respect to claims 1 – 10 have been considered but are moot in view of the new ground(s) of rejection.

*Claim Rejections - 35 USC § 102*

2. Claims 1 – 3 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by McCosh et al. (US 2003/0204611 A1; hereinafter “McCosh”).

For claim 1, McCosh a setting apparatus which causes network address settings to be made in measurement instruments through a network (see paragraph 0010; DHCP server set address to the client device, where the client device is a computer that can perform measurements), wherein the measurement instruments comprise: a sending/receiving means which communicates with an external apparatus or the setting means apparatus through the network (see paragraph 0010; client device transmit DHCP messages with the DHCP server); a judgment means which judges whether this sending/receiving means is communicating through a connection-oriented connection (see paragraph 0010; PING messages are sent to verifies that basic TCP/IP communication is occurring); and a setting means which performs network address settings based on the judgment results of the judgment means (see paragraph 0010; once the DHCP, PING, and additional tests are completed then DHCP server will assign an address to the client device to set).

For claim 2, McCosh teaches the TCP/IP protocol is used in communication in the network (see paragraph 0010).

For claim 3, McCosh teaches that the connection-oriented connection is TCP (see paragraph 0010).

For claim 7, McCosh teaches that the measurement instruments comprise a display means which indicates the reception of network address setting request from the setting apparatus (see paragraph 0024).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCosh in view of Beser (US 6,775,276 B1).

For claims 4 and 5, McCosh teaches all of the claimed subject matter with the exception of the setting apparatus causes network address setting to be made by communication with the measurement instruments through a connectionless-oriented connection and that the connectionless-oriented connection is UDP. Beser from the same field of endeavor teaches the use of DHCP messages sent from the DHCP server to the device by using UDP as the transport protocol (see column 2 lines 26 – 51). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to use UDP to send DHCP messages as taught by Beser into the McCosh. The motivation for doing this is that UDP will increase the speed of the system by not having to wait for acknowledgement messages for every message sent between the two devices.

#### ***Claim Rejections - 35 USC § 103***

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCosh in view of Faust (US 2002/0188428 A1).

For claim 6, McCosh teaches all of the claimed subject matter with the exception of that the external apparatus is a computer which causes the measurement instruments to perform measurements and collects measured measurement data. Faust from the same field of endeavor teaches that measurement instruments are connected on a network where a remote

computer will cause the instrument to acquire measurement data (see paragraphs 0013 and 0015). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have a remote user perform the measurement as taught by Faust into McCosh. The motivation for doing this is to increase the user friendliness of the system by allowing user to be offsite from where the measurement instrument is located.

***Claim Rejections - 35 USC § 103***

8. Claims 8 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCosh in view of Furukawa et al. (US 2001/0039590 A1; hereinafter “Furukawa”).

For claim 8 and 9, McCosh teaches all of the claimed subject matter with the exception of an equipment information storage means which stores equipment information on the measurement instruments; and a collection means which collects equipment information from the measurement instruments and stores it in the equipment information storage means. Furukawa from the same field of endeavor teaches that the IP address setting device has a list of the node information and the response message from the node will provide the list with updated information, where the information includes the MAC address of the node device (see paragraphs 0014 – 0016). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to obtain and store node information as taught by Furukawa into McCosh. The motivation for doing this is to increase the reliability of the system by insuring the multiple devices are not assigned the same address.

For claim 10, McCosh teaches all of the claimed subject matter with the exception of that the setting apparatus comprises an address storage means which stores network addresses; and the

sending/receiving means reads the network addresses and equipment information from both the address storage means and the equipment information storage means, and outputs the network addresses and the equipment information to the network. Furukawa from the same field on endeavor teaches that the address setting device has a address information designate unite that contains the address information and the address setting device has a response unit that that transmit the address information onto the network (see paragraphs 0016 - 0017). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to store and transmit address information as taught by Furukawa into McCosh. The motivation for doing this is to increase the user friendliness by allowing user to know the address of the device the wish to access.

### *Conclusion*

9. **Examiner's Note:** Examiner has cited particular paragraphs or columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.


Application/Control Number:  
10/687,483  
Art Unit: 2616


Page 7

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Mui whose telephone number is (571) 270-1420. The examiner can normally be reached on Mon. - Thurs. 9 - 3 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
GM 12.18.2002

  
RICKY Q. NGO  
SUPERVISORY PATENT EXAMINER